

**NOTICE OF APPEAL FROM THE EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant

James A. Proctor, Jr. and Pertti O. Alapuramen

Application No.: 09/898,514 Group: 2664

Filed: July 3, 2001 Examiner: Shah, Chirag G.

Confirmation No.: 4006

For: METHOD FOR ALLOWING MULTI-USER ORTHOGONAL AND  
NON-ORTHOGONAL INTEROPERABILITY OF CODE CHANNELS

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:

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01/04/2005 MAHMED1 00000025 09898514

01 FC:1401  
02 FC:1252

500.00 OP  
450.00 OP

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated July 29, 2004 of the Examiner finally rejecting claims 1-36. The items checked below are appropriate:

1.  Applicant hereby petitions to extend the time for filing a Notice of Appeal in response to the Office Action Made Final dated July 29, 2004 for two months from October 29, 2004 to December 29, 2004.
  
2.  A [ ] month extension of time to respond to the Office Action Made Final dated [ ] was filed on [ ] with payment of a \$[ ] fee.  
  
[ ] Applicant hereby petitions for an additional [ ] month extension of time to respond to the Office Action Made Final.
  
3.  A Request for Oral Hearing before the Board of Patent Appeals and Interferences is being filed concurrently herewith.

## 4. Fees are submitted for the following:

[X] Extension of Time for two months	\$ <u>450</u>
[ ] Additional Extension of Time:	
Fee for Extension ([ ] mo.)	\$ _____
Less fee paid ([ ] mo.)	\$ _____
Balance of fee due	\$ <u>0</u>
[X] Notice of Appeal	\$ <u>500</u>
[ ] Other _____	\$ _____
	TOTAL \$ <u>950</u>

## 5. The method of payment for the total fees is as follows:

[X] A check in the amount of \$950 is enclosed.

[ ] Please charge Deposit Account No. 08-0380 in the amount of \$[ ].

Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this document is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH, REYNOLDS, P.C.

By   
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